

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 542 of 2022 (S.B.)**

Shri Santosh S/o Baldeo Naik,  
Aged about 60 years, Occ. Retired,  
R/o CMPF Colony, 11/B, Jaripatka Ring Road,  
Post Jaripatka, Nagpur-14

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Secretary,  
Woman and Child Development,  
Mantralaya, Mumbai-32.
- 2) The Divisional Deputy Commissioner,  
Women and Child Development,  
Nagpur Division, Patankar Square, Nagpur-440 026.
- 3) The Project Officer,  
Child Development, Nagpur City-1,  
Nari Road, Manav Nagar, Nagpur-26.
- 4) Accounts & General (A&E II),  
Nagpur, Civil Lines, Nagpur-440 001.

**Respondents.**

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**Shri A.P. Sadavarte, Advocate for the applicant.**  
**Shri A.M. Ghogre, learned P.O. for respondents.**

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**Coram :- Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated :- 12/01/2023.**

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**J U D G M E N T**

Heard Shri A.P. Sadavarte, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

2. The applicant was working as a Peon in the office of Divisional Social Welfare Officer, Nagpur. The applicant came to be

retired on 31/01/2022. The applicant made representation for grant of retirement benefits. On 10/03/2022, the Accounts Officer, Pay Verification Unit, Nagpur has found that the applicant's pay fixation was done at lesser side without considering the MCSR (Revised) Pay Rules, 2019 and without calculating 7<sup>th</sup> Pay Commission benefit. Therefore, his Service Book was returned for rectification to the respondent no.3. Even though the applicant was retired on 31/01/2022, the applicant has not received a single pie towards all retirement, pensionary benefits and also not received GIS, GPF, leave encashment, provisional pension, provisional gratuity etc. Hence, the applicant approached to this Tribunal for the following reliefs –

*“(i) direct the respondents to grant and pay all the retirement, pensionary benefits to the applicant along with interest,*

*(ii) direct the respondents to pay the pension and gratuity along with interest as per MCSR Rules, 1982 under Rule 129 (A) and 129 (B) of the MCSR (Pension) Rules, 1982,*

*(iii) held and declare that the respondents have not complied with the procedures regarding disbursement of retirement benefits to the applicant as mentioned under Rule 118 to 126 of the MCSR (Pension) Rules and therefore the respondent is liable for interest on all pensionary benefits payable to the applicant.”*

3. The O.A. is strongly opposed by the respondents. During the pendency of this O.A., the respondents have paid all pensionary

benefits. The learned counsel for applicant has submitted the Chart. It is marked Exh-X for identification.

4. Heard learned P.O. for respondents Shri A.M. Ghogre. As per his submission, all pensionary benefits are paid to the applicant and therefore he is not entitled for any amount. As per the 7<sup>th</sup> Pay Commission salary, the pension is under process.

5. During the pendency of this O.A., the respondents have paid all the pensionary benefits. It appears that there was no fault on the part of the applicant, there was no delay on the part of the applicant. The delay appears on the part of the respondents. Hence, the following order –

### **ORDER**

(i) The O.A. is disposed off.

(ii) The respondents are directed to pay the interest as per the provisions of Maharashtra Civil Services (Pension) Rules, 1982.

(iii) The respondents are directed to process the payment as per the 7<sup>th</sup> Pay Commission and pay the pension accordingly within four months. No order as to costs.

(iv) No order as to costs.

**Dated** :- 12/01/2023.

**(Justice M.G. Giratkar)**  
**Vice Chairman.**

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 12/01/2023.\*